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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,289	10/17/2001	Rodney P. Ehrlich	739/37925/31	7844

7590 07/31/2002

Trexler, Bushnell, Giangiorgi
Blackstone & Marr, Ltd.
36th Floor
105 West Adams Street
Chicago, IL 60603

EXAMINER

FEE, WILLIAM S

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,289

Applicant(s)

EHRlich, RODNEY P.

Examiner

William S. Fee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-61 and 64 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-20, 23-29, 33-38, 40-47, 62 and 63 is/are rejected.
- 7) ☒ Claim(s) 8, 21, 22, 30-32, 39, 62 and 63 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the inventor's signature is missing.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 35 and 62 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 35 and 62 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in line 5 in both claims where they recite "said second structure is engaged with said securing member" according to the specification and the rest of the claims it is the first structure that engages the securing member when the securing member is the wicket as described in the following claims 36 and 63 respectively.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1,2,14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connor, U.S.P. 1,023,164.

Regarding claims 1-7,9-15,17-20,23-29,33-38 and 40-47, with respect to claim 1 O'Connor discloses a door lock mechanism comprising a sleeve 15, a lock rod 16, a handle assembly 29 with a structure 22 thereon to engage an a trailer structure 23, regarding claim 2 the sleeve is substantially the height of the door, regarding claim 14 the top of the lock rod has a structure 22 for engaging a trailer structure 23 where the bottom of the lock rod is connected to the handle assembly, regarding claim 15 the handle assembly 29 has a cam 22a for engaging structure 23 on the trailer, regarding claim 19 the handle assembly hangs below the door (Figs. 1-5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of Reynard, U.S.P. 4,690,442.

O'Connor is discussed above however O'Connor dose not disclose a U-shaped channel in which a lock rod is disposed with first and second rails disposed on the sides of the channel.

Regarding claim 3, Reynard teaches a U-shaped 30 channel in which a lock rod 2 is disposed with first and second rails 32 disposed on the sides of the channel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor, with a U-shaped channel having rails as taught by Reynard, in order to provide a backing that is easily mountable.

7. Claims 4,15,38,40,44,45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of Weinerman et al, U.S.P. 5,718,467.

O'Connor is discussed above however O'Connor does not disclose an end cap on a sleeve and a thrust bearing between the end cap and a handle assembly.

Regarding claims 4,15,38,40,45 and 47, Weinerman teaches an end cap 131 on a sleeve 122 and a thrust bearing 133 between the end cap and a handle assembly (Fig. 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor, with an end cap and a thrust bearing as taught by Weinerman, in order to provide a smooth operating lock bar that has little or no play vertically or horizontally.

Regarding claim 44, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor as modified by Weinerman with a stainless steel end cap in order to provide a cap that is resistant to corrosion since the cap is outside the dialer.

8. Claims 5 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of Weinerman et al, U.S.P. 5,718,467 as applied to claims 4,38,40,44,45 and 47 above, and further in view of Carson et al., U.S.P. 4,660,872.

O'Connor and Weinerman are discussed above however they do not disclose a thrust bearing formed of polyethylene.

Regarding claims 5 and 42, Carson teaches a thrust bearing 126 formed of polyethylene.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor as modified by Weinerman with a thrust bearing formed of polyethylene as taught by Carson, in order to provide a smooth self lubricating buffer.

9. Claims 6 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of Weinerman et al, U.S.P. 5,718,467 as applied to claims 4,38,40,44,45 and 47 above, and further in view of Turpen U.S.P. 3,451,705.

O'Connor and Weinerman are discussed above however they do not disclose a split bearing.

Regarding claims 6 and 43, Turpen teaches a split bearing 22.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor as modified by Weinerman with a split bearing as taught by Turpen, in order to provide a bearing that is easily changeable.

10. Claims 7,9-13,20,23,25-29,33,34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of McWhorter, U.S.P. 4,082,330.

O'Connor is discussed above however O'Connor dose not disclose the element discussed below with respect to McWhorter.

Regarding claims 7,9-13,20,23,25-29,33,34 and 37, with respect to claim 7 and 20 McWhorter teaches a handle assembly having a handle 12 and a tongue 19 for engaging a trailer structure 21 to lock handle, regarding claim 9 the tongue 19 is generally T-shaped corresponding to slot in trailer (Figs. 3-12), regarding claims 10 and 26 the handle assembly has a handle 12, a dog (Figs. 3-12) for engaging corresponding structure 21 on the trailer and a member 19 for engaging with the structure 21, regarding claims 11 and 29 the member 19 is mounted at an angle relative to the handle (Figs. 3-12), regarding claims 12 and 28 the member is generally L-shaped (Figs. 3-12), regarding claim 13 the dog engages a generally T-shaped slot in the trailer (Figs. 1-5), regarding claim 23 as discussed with respect to claim 14, regarding claims 25 and 33 as discussed with respect to claim 15, regarding claim 27 the member includes a gripping portion and a tongue portion (Figs. 3-12), regarding claim 34 the tongue portion of the member is located over the dog (Figs.3-12), regarding claim 37 as discussed with respect to claim 19.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor, with a tongue, a trailer structure, a dog, a member mounted at an angle, the member is generally L-

shaped, the dog engages a generally T-shaped slot in the trailer, the member includes a gripping portion and a tongue portion, the tongue portion of the member is located over the dog as taught by McWhorter, in order to provide a means for securing and locking down the handle assembly.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of McWhorter, U.S.P. 4,082,330 as applied to claims 7,9-13,20,23,25-29,33,34 and 37 above, and further in view of Weinerman et al, U.S.P. 5,718,467.

O'Connor is discussed above however O'Connor does not disclose Weinerman as discussed with respect to claim 4.

Regarding claim 24, Weinerman teaches as discussed with respect to claim 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor, with an end cap and a thrust bearing as taught by Weinerman, in order to provide a smooth operating lock bar the has little or no play vertically or horizontally.

12. Claims 16,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of Pelcin, U.S.P. 3,224,802.

O'Connor is discussed above however O'Connor does not disclose a cam on a handle assembly, a retaining structure on the side of a trailer where the cam engages the retaining structure which is a wicket.

Regarding claims 17 and 18, Pelcin teaches a cam 16 on a handle assembly, a retaining structure 17 on the side of a trailer where the cam engages the retaining structure which is a wicket.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor, with a cam on the handle for engaging a retaining structure on the side as taught by Pelcin, in order to hold the door in the open position.

13. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of McWhorter, U.S.P. 4,082,330 as applied to claims 7,9-13,20,23,25-29,33,34 and 37 above, and further in view of Pelcin U.S.P. 3,224,802.

O'Connor and McWhorter are discussed above however they do not disclose a cam on a handle assembly, a retaining structure on the side of a trailer where the cam engages the retaining structure which is a wicket.

Regarding claims 35 and 36, Pelcin teaches a cam 16 on a handle assembly, a retaining structure 17 on the side of a trailer where the cam engages the retaining structure which is a wicket.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor, with a cam on the handle for engaging a retaining structure on the side as taught by Pelcin, in order to hold the door in the open position.

14. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of Weinerman et al, U.S.P. 5,718,467 as applied to claims 4,38,40,44,45 and 47 above, and further in view of McWhorter U.S.P. 3,451,705.

O'Connor and Weinerman are discussed above however they do not disclose a handle assembly has a handle 12, a dog (Figs. 3-12) for engaging corresponding structure 21 on the trailer and a member 19 for engaging with the structure 21.

Regarding claim 41, McWhorter teaches a handle assembly has a handle 12, a dog (Figs. 3-12) for engaging corresponding structure 21 on the trailer and a member 19 for engaging with the structure 21.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor as modified by Weinerman with a split bearing as taught by McWhorter, in order provide a means for securing and locking down the handle.

15. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor, U.S.P. 1,023,164 in view of Weinerman et al, U.S.P. 5,718,467 as applied to claims 4,38,40,44,45 and 47 above, and further in view of Turpen U.S.P. 3,451,705 and Carson et al., U.S.P. 4,660,872.

O'Connor and Weinerman are discussed above however they do not disclose a thrust bearing formed of polyethylene and a split bearing.

Regarding claim 46, Carson and Turpen teach a thrust bearing 126 formed of polyethylene and a split bearing 22 respectively.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door lock mechanism of O'Connor as modified by Weinerman with a thrust bearing formed of polyethylene and a split bearing as taught by Carson and Turpen respectively, in order to provide a smooth self lubricating buffer and a bearing that is easily changeable.

Allowable Subject Matter

16. Claims 8,21,22,30,31,32 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Claims 62 and 63 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

18. Claims 48-61 and 64 are allowed. The prior art does not provide for the following recited in claim 48 "a second structure provided on said handle and configured to engage into said opening in said frame, thereby locking said handle in place" the prior art does not have the second structure engaging into an opening in the frame.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

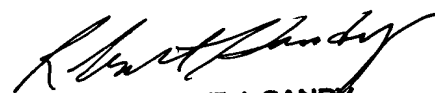
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Fee whose telephone number is (703) 305-3131. The examiner can normally be reached on Monday through Friday from 7:00 AM to 3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann, can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

William S. Fee
Examiner
Art Unit 3677


ROBERT J. SANDY
PRIMARY EXAMINER